

#7
PCT\$**MORRISON & FOERSTER LLP**

Attorneys at Law
19900 MacArthur Boulevard
Suite 1200
Irvine, California 92612-2445
Telephone: (949) 251-7500
Facsimile: (949) 251-0900

To:

NAME:	FACSIMILE:	TELEPHONE:
USPTO - Missing Parts	(703) 746-4060	

FROM: Todd W. Wight**DATE:** April 6, 2005

Number of pages with cover page:

8Preparer of this slip has confirmed that facsimile number given is correct: 7822/TWW2**CAUTION - CONFIDENTIAL**

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

Comments:

Attorney Docket No. :	297912004400
Group Art Unit:	3763
Examiner:	Not Yet Assigned
Application Number:	10/500,522
Filing Date:	Not Yet Assigned
Inventors:	Heske
Title:	Biopsy Device for Removing Tissue Specimens Using a Vacuum
Attachments:	Transmittal (1 pg.), Fee Transmittal (1 pg.), Declaration (3 pgs.), Copy of Notification of Missing Requirement (2 pgs.)

RECEIVED
APR - 8 2005
OIPE/JCW/S

oc-295075

Best Available Copy



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/500,522	
	Filing Date	Not Yet Assigned	
	First Named Inventor	Norbert HESKE	
	An Unit	3763	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	7	Attorney Docket Number	297912004400

ENCLOSURES (Check all that apply)

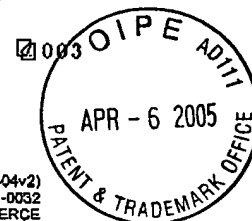
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration (2 pgs.) Copy of Notification of Missing Requirements Under 35 USC 371
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP - (Customer No. 25226)		
Signature			
Printed name	Todd W. Wight		
Date	April 6, 2005	Reg. No.	45,218

cc-295073

Best Available Copy



Approved for use through 7/31/2008. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL For FY 2005		Application Number	10/500,522
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	Not Yet Assigned
		First Named Inventor	Norbert HESKE
		Examiner Name	Not Yet Assigned
		Art Unit	3763
TOTAL AMOUNT OF PAYMENT	(\$ 130.00)	Attorney Docket No.	297912004400

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>03-1952</u> Deposit Account Name: <u>Morrison & Foerster LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee <input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES	
Fee Description	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50
Each independent claim over 3 (including Reissues)	200
Multiple dependent claims	360

Total Claims Extra Claims Fee (\$) Fee Paid (\$) _____ - 20 = _____ x _____ = _____	Multiple Dependent Claims Fee (\$) Fee Paid (\$) _____ _____
Indep. Claims Extra Claims Fee (\$) Fee Paid (\$) _____ - 3 = _____ x _____ = _____	

3. APPLICATION SIZE FEE	
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).	
Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$) _____ - 100 = _____ / 50 _____ (round up to a whole number) x _____ = _____	

4. OTHER FEE(S)	
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): 1617 National Stage oath or declaration after thirty ...	130.00

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	45,218
Name (Print/Type)	Todd W. Wight	Telephone	(949) 251-7189
		Date	April 6, 2005

04/12/2005 MKAYPAGH 00000152 031952 10500522

01 FC:1617 130.00 DA

oc-295074

PAGE 3/8 * RCVD AT 4/6/2005 8:08:08 PM [Eastern Daylight Time] * SVR:USPTO-EFXXRF-2/0 * DNIS:7464060 * CSID:949 251 0900 * DURATION (mm:ss):02:50

Best Available Copy

06 APR 2005

0007

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/500,522	Norbert Heske	297912004400

INTERNATIONAL APPLICATION NO.
PCT/DE03/00844

LA. FILING DATE	PRIORITY DATE
03/17/2003	03/19/2002

25224
MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024



CONFIRMATION NO. 6406

371 FORMALITIES LETTER



OC000000015243713

Date Mailed: 03/31/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/29/2004
- Copy of the International Search Report filed on 06/29/2004
- Copy of IPE Report filed on 06/29/2004
- Preliminary Amendments filed on 06/29/2004
- Information Disclosure Statements filed on 06/29/2004
- Copy of references cited in ISR filed on 06/29/2004
- U.S. Basic National Fees filed on 06/29/2004
- Substitute Specification filed on 06/29/2004
- Priority Documents filed on 06/29/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

Best Available Copy

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/500,522	PCT/DE03/00844	297912004400

FORM PCT/DO/EO/905 (371 Formalities Notice)